

IN THE CLAIMS

1. **(currently amended)** A topical foam aerosol formulation comprising
  - (a) an active agent or agents selected from the group consisting of anti-inflammatory agents, topical anesthetics, topical antibiotics, anti-fungal agents, and combinations thereof, solubilized or dispersed in an oil and water emulsion, wherein the emulsion does not contain volatile lower alcohols; and the oil phase of the emulsion is ~~about 0.5% to about 3.0%~~ 0.8% to 6.0% by weight of the emulsion and is a solid or semi-solid at room temperature; and
  - (b) a propellant consisting essentially of a hydrofluoroalkane or a mixture of hydrofluoroalkanes, without additional co-solvents or co-propellants, contacting the emulsion to produce an immediate foaming action on expulsion from a pressurized container.
2. **(canceled)**
3. **(previously presented)** The formulation of claim 1 wherein the active agent is an antiinflammatory agent.
4. **(currently amended)** The formulation of claim 3 wherein the anti-inflammatory agent is selected from the group consisting of alclometasone dipropionate, amcinonide, ~~beclamethasone~~ beclometasone dipropionate, betamethasone benzoate, betamethasone dipropionate, betamethasone valerate, budesonide, clobetasol propionate, clobetasone butyrate, desonide, desoxymethasone, diflorasone diacetate, diflucortolone valerate, flumethasone pivalate, flucolorolone acetoneide, fluocinolone acetoneide, ~~fluocionide~~ fluocinonide, fluocortin butyl, ~~fluocortolones~~ fluocortolone, fluprednidene acetate, flurandrenolone, halcinonide, hydrocortisone, hydrocortisone acetate, hydrocortisone butyrate, methylprednisolone acetate, ~~nometasone~~ mometasone furoate, triamcinolone acetoneide, diclofenac, ibuprofen, acetylsalicylic acid, piroxicam, ketoprofen, felbinac, benzylamine, and combinations thereof.
5. **(original)** The formulation of claim 3 wherein the concentration of the antiinflammatory agent is from about 0.01% to 10%.

6. **(previously presented)** The formulation of claim 1 wherein the active agent is a topical anesthetic.
7. **(currently amended)** The formulation of claim 6 wherein the topical anesthetic is selected from the group consisting of lidocaine, prilocaine, bupivacaine, levo-bupivacaine, ropivacaine, mepivacaine, procaine, chloroprocaine, propoxycaine, hexylcaine, tetracaine, cyclomethycaine, benoxinate, butacaine, proparacaine, butamben, diperodon, phenacaine, falcaine, dyclonine, pramoxine, ~~dimethisoquin~~ dimethisoquin, benzocaine, amethocaine, dibucaine, ketocaine, propanocaine, propipocaine, and combinations thereof.
8. **(original)** The formulation of claim 6 wherein the concentration of the anesthetic is from about 1% to about 10%.
9. **(previously presented)** The formulation of claim 1 wherein the active agent is an antibiotic or antifungal agent.
10. **(currently amended)** The formulation of claim 9 wherein the active agent is an antifungal agent is selected from the group consisting of clotrimazole, econazole, ketoconazole, itraconazole, miconazole, oxiconazole, sulconazole, butenafine, naftifine, terbinafine, ~~undecyline~~ undecylenic acid, tolnaftate, nystatin, and sertaconazole nitrate.
11. **(original)** The formulation of claim 9 wherein the concentration of the antifungal or antibiotic agent is from about 0.3% to 5%.
12. **(currently amended)** A method of making a hydrofluoroalkane containing topical foam formulation free of volatile lower alcohols comprising
  - (a) making an oil in water emulsion with a more than 50% aqueous phase, wherein the oil phase of the emulsion is ~~about 0.5% to about 3.0%~~ 0.8% to 6.0% by weight of the emulsion and is a solid or semi-solid at room temperature,
  - (b) either dissolving an active agent or agents selected from the group consisting of antiinflammatory agents, topical anesthetics, topical antibiotics, anti-fungal agents, and combinations thereof in the aqueous or oil phase prior to emulsification or adding non-water soluble, non-oil soluble drug to the emulsion to form a dispersion in the emulsion, and

- (c) adding a propellant consisting essentially of a hydrofluoroalkane or a mixture of hydrofluoroalkanes, without additional co-solvents or co-propellants, to the emulsion to produce an immediate foaming action on expulsion from a pressurized container.
13. **(previously presented)** A hydrofluoroalkane containing topical foam formulation free of volatile alcohols produced by the method of claim 12.